



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 6, 2022

BY ECF

The Honorable John P. Cronan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Jafar Borden, 15 Cr. 95 (JPC)*

Dear Judge Cronan:

The Government respectfully submits this letter on behalf of both parties and the Probation Department to provide an update on this violation of supervised release matter in advance of the conference scheduled on December 13, 2022 at 1 p.m.

With respect to the misdemeanor menacing charge relating to an incident that was alleged to have occurred on March 23, 2022, identified by the Probation Department and the Government in the course of this matter and discussed in the last update letter, the defendant reported to the New York City Police Department to resolve the open Investigation Card as directed; however, the victim declined to press charges and the defendant was not charged by the Bronx County District Attorney's Office. The Probation Department determined not to file specifications regarding that incident. The Government has reviewed the available evidence and has determined that specifications against the defendant for that incident are not currently provable.

With respect to the January 11, 2022 arrest of the defendant that underlies specifications one through four of the February 26, 2022 specifications, the Government has likewise investigated that incident, for which all of the underlying charges were dismissed against the defendant in state court. The Government has determined that the assault-based specifications (one and two) are not currently provable. The parties are prepared to resolve the specifications with the defendant admitting to specifications three (resisting arrest); five through eight (using controlled substances and failing to comply with drug testing); nine (failing to participate in treatment); and ten (failing to secure employment).

The parties are prepared to convert the December 13, 2022 conference into a plea hearing and sentencing on those specifications.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s
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cc: Daniel Parker, Esq.
Godwin Ogunmefun, U.S.P.O.

The Court will hold a change of plea hearing and, if appropriate, sentencing for Defendant Jafar Borden on December 13, 2022, at 1:00 p.m. in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007. The parties shall file any sentencing submissions by December 12, 2022.

SO ORDERED.

December 8, 2022
New York, New York



JOHN P. CRONAN
United States District Judge